

ASSEMBLY BILL

No. 1412

Introduced by Committee on Elections and Redistricting (Fong (Chair), Logue (Vice Chair), Bonilla, Hall, Mendoza, Swanson, and Valadao)

March 14, 2011

An act to amend Sections 302 and 10405.7 of the Elections Code, to amend Section 12172.5 of the Government Code, and to amend Sections 11507 and 24507 of the Public Utilities Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 1412, as introduced, Committee on Elections and Redistricting. Vote by mail.

Existing law governing elections defines the term “ballot card” as meaning a card or a number of cards upon which are printed, or identified by reference to the ballot, the names of candidates for nomination or election to one or more offices or the ballot titles of one or more measures. Existing law requires that the governing board of a community college district submit to the board of supervisors a resolution calling for an election prior to the date of the scheduled election for the governing board members of the community college district. Existing law authorizes voters to vote by mail if certain conditions are shown to be met by application to the elections official having jurisdiction over the election. Existing law provides the procedures for vote by mail voting, as specified.

This bill would make nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 302 of the Elections Code is amended to read:

302. “Ballot card” means a card or a number of cards upon which are printed, or identified by reference to the ballot, the names of candidates for nomination or election to one or more offices or the ballot titles of one or more measures. The ballot card shall also contain proper blank spaces to allow the voter to write in names not printed on the ballot unless a separate write-in ballot is used. The separate write-in ballot may be a paper ballot, a card, or the envelope used to enclose a ballot card. Determination of the format of a separate write-in ballot shall be within the discretion of the elections board. The separate write-in ballot shall provide a blank space followed by the word “office” and a second blank space followed by the word “name” for purposes of facilitating write-in votes for offices for which write-in votes may be cast, or may provide a space for writing in the name followed by a space for punching or slotting in order that the vote may be tabulated. All separate write-in ballots may, in the discretion of the elections board, have attached thereto two stubs that comply with Section 13261 regarding the stubs attached to a ballot card, except that the information required under ~~subdivisions (e) to (g)~~ *subparagraphs (C) to (G)*, inclusive, ~~of paragraph (2) of subdivision (b)~~ of Section 13261 and instructions to voters on how to vote for persons whose names do not appear on the ballot may be printed on the write-in ballot and not upon a stub. Any serial numbers appearing on the write-in ballot stubs need not be identical to the serial numbers appearing on the stubs attached to the ballot card or cards handed to the voter. Sections 13002 to ~~13007~~ 13006, inclusive, shall not apply to the preparation and composition of separate write-in ballots authorized by this section. Sections 14403 and 14404 shall not apply to separate write-in ballots used in an election in which a punchcard voting system is used.

SEC. 2. Section 10405.7 of the Elections Code is amended to read:

10405.7. (a) The resolution of the community college district governing board to establish an election day pursuant to subdivision (b) of Section 1302 shall be adopted and submitted to the board of supervisors not later than 240 days prior to the date of the

1 currently scheduled election for the governing board members of
2 the community college district.

3 (b) The final date for the submission of the resolution by the
4 community college district governing board to the board of
5 supervisors is not subject to waiver.

6 (c) The board of supervisors shall notify all community college
7 districts located in the county of the ~~receipts~~ *receipt* of the
8 resolution to consolidate and shall request input from each district
9 on the effect of consolidation.

10 (d) (1) The board of supervisors, within 60 days from the date
11 of submission, shall approve the resolution unless it finds that the
12 ballot style, voting equipment, or computer capacity is such that
13 additional elections or materials cannot be handled. Prior to the
14 adoption of a resolution to either approve or deny a consolidation
15 request, the board or boards of supervisors may each obtain from
16 the elections official a report on the cost-effectiveness of the
17 proposed action.

18 (2) Public notices of the proceedings in which the resolution is
19 to be considered for adoption shall be made pursuant to Section
20 25151 of the Government Code.

21 (e) Within 30 days after the approval of the resolution by the
22 board of supervisors, the elections official shall notify all registered
23 voters of the districts affected by the consolidation of the approval
24 of the resolution by the board of supervisors. The notice shall be
25 delivered by mail and at the expense of the community college
26 district.

27 (f) An election day established pursuant to subdivision (b) of
28 Section 1302 shall be prescribed to occur not less than one month,
29 nor more than 12 months, subsequent to the election day prescribed
30 in Section 5000 *of the Education Code*. As used in this subdivision,
31 “12 months” means the period from the election day prescribed in
32 Section 5000 of the Education Code to the first Tuesday after the
33 first Monday in the 12th month subsequent to that day, inclusive.

34 (g) If, pursuant to subdivision (b) of Section 1302, a district
35 governing board member election is held on the same day as a
36 statewide general election, those district governing board members
37 whose four-year terms of office would have, prior to the adoption
38 of the resolution, expired prior to that election shall, instead,
39 continue in their offices until successors are elected and qualified.

SEC. 3. Section 12172.5 of the Government Code is amended to read:

12172.5. The Secretary of State is the chief elections officer of the state, and shall administer the provisions of the Elections Code. The Secretary of State shall see that elections are efficiently conducted and that state election laws are enforced. The Secretary of State may require elections officers to make reports concerning elections in their jurisdictions.

If, at any time, the Secretary of State concludes that state election laws are not being enforced, the Secretary of State shall call the violation to the attention of the district attorney of the county or to the Attorney General. In these instances, the Secretary of State may assist the county elections officer in discharging his or her duties.

In order to determine whether an elections law violation has occurred the Secretary of State may examine voted, unvoted, spoiled and canceled ballots, vote-counting computer programs, ~~absent voter~~ *vote by mail ballot* envelopes and applications, and supplies referred to in Section 14432 of the Elections Code. The Secretary of State may also examine any other records of elections officials as he or she finds necessary in making his or her determination, subject to the restrictions set forth in Section 6253.5.

The Secretary of State may adopt regulations to assure the uniform application and administration of state election laws.

SEC. 4. Section 11507 of the Public Utilities Code is amended to read:

11507. "Percent of the total vote cast," when used with reference to the requirements of any petition or nomination paper, means percent of the total vote cast, exclusive of ~~absent voter~~ *vote by mail* ballots, within the proposed district, district, proposed special district, special district, or territory proposed to be annexed to a district, as the case may be at the last *statewide* general-state election.

SEC. 5. Section 24507 of the Public Utilities Code is amended to read:

24507. "Percent of the total vote cast," when used with reference to the requirements of any petition or nomination paper, means percent of the total vote cast, exclusive of ~~absent voter~~ *vote by mail* ballots, within the proposed district, district, city or

1 territory, as the case may be at the last *statewide* general~~-state~~
2 election.

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